

### **REMARKS**

Reconsideration of this application, as amended, is respectfully requested. The following remarks are responsive to the Office Action of January 26, 2005. Claims 1-3 and 5-33 remain in the application. Claim 4 is cancelled and claims 1, 5, 7, 20, 23, 24, 27, and 30 have been amended to include substantially the same limitation as previously recited in claim 4. The above amendments are supported by the Specification as filed. Accordingly, no new matter is added.

### **35 U.S.C. 102 Claim Rejections**

Claims 1-8, 10-27, 29-31 and 33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Number 5,396,635 by Fung (hereinafter "Fung").

Fung describes a computer power management system in which an activity monitor monitors the activity of the computer system including storing call values for call functions and preset activity threshold values for the various states of operation (e.g., on, doze, sleep, and off). An algorithm is employed in the form of power management software to compare the accumulated call values to the preset activity threshold values to determine whether to remain in an active mode or be switched to a conservation mode. In other words, an algorithm cooperating with preset threshold values determine whether to switch from a higher performance state to a lower performance state and vice versa.

However, Fung does not disclose operating the integrated circuit at a third state of performance for a period of time predetermined by thermal failure characteristics pertaining to an integrated circuit. Although Figure 8 of Fung illustrates a transition from a lower state ("doze") to a higher state ("on") and vice versa, the disclosure of Fung fails to provide any description corresponding to this figure outside of the Description of the Drawings section. Consequently, the "example" illustrated in Figure 8

is governed by the remaining disclosed power management method. Namely, state transitions from a higher state to a lower state and vice versa only occur as a result of accumulated call values indicating activity and inactivity. Therefore, the resulting duration at any given state is determined by whether or not the accumulated values associated with each state have reached a threshold value. In other words, Fung does not disclose operating the integrated circuit at a third state of performance for a period of time predetermined by thermal failure characteristics pertaining to an integrated circuit.

Therefore, for at least the reasons stated above, independent claim 1 is not anticipated by and is patentable over the cited art, Fung. Given that claims 2-6 depend from and include the limitations of claim 1, Applicants submit that claims 2-6 are not anticipated by Fung under 35 U.S.C. § 102(b).

Independent claim 7, as amended, includes the limitation "to operate the integrated circuit at the third state of performance for a period of time predetermined by thermal failure characteristics pertaining to the integrated circuit." As discussed above with respect to claim 1, Fung does not disclose operating the integrated circuit at a third state of performance for a period of time predetermined by thermal failure characteristics pertaining to an integrated circuit. Thus, applicant submits that independent claim 7 is not anticipated by Fung under 35 U.S.C. § 102(b). Given that claims 8-19 depend from and include the limitations of claim 7, Applicants submit that claims 8-19 are not anticipated by Fung under 35 U.S.C. § 102(b).

Independent claim 20, as amended, includes the limitation "operating the integrated circuit at a third state of performance for a period of time predetermined by thermal failure characteristics pertaining to an integrated circuit." As discussed above with respect to claim 1, Fung does not disclose this limitation. Thus, applicant submits that independent claim 20 is not anticipated by Fung under 35 U.S.C. § 102(b). Given

that claims 21-23 depend from and include the limitations of claim 20, Applicants submit that claims 21-23 are not anticipated by Fung under 35 U.S.C. § 102(b).

Independent claim 24, as amended, includes the limitation "means for operating the integrated circuit at a third state of performance for a period of time predetermined by thermal failure characteristics pertaining to an integrated circuit." As discussed above with respect to claim 1, Fung does not disclose this limitation. Thus, applicant submits that independent claim 24 is not anticipated by Fung under 35 U.S.C. § 102(b). Given that claims 25-26 depend from and include the limitations of claim 24, Applicants submit that claims 25-26 are not anticipated by Fung under 35 U.S.C. § 102(b).

Independent claim 27, as amended, includes the limitation "operating the integrated circuit at a third state of performance for a period of time predetermined by thermal failure characteristics pertaining to an integrated circuit." As discussed above with respect to claim 1, Fung does not disclose this limitation. Thus, applicant submits that independent claim 27 is not anticipated by Fung under 35 U.S.C. § 102(b). Given that claims 28-29 depend from and include the limitations of claim 27, Applicants submit that claims 28-29 are not anticipated by Fung under 35 U.S.C. § 102(b).

Independent claim 30, as amended, includes the limitation "to operate the integrated circuit at the third state of performance for a period of time predetermined by thermal failure characteristics pertaining to the integrated circuit." As discussed above with respect to claim 1, Fung does not disclose this limitation. Thus, applicant submits that independent claim 30 is not anticipated by Fung under 35 U.S.C. § 102(b). Given that claims 31-33 depend from and include the limitations of claim 30, Applicants submit that claims 31-33 are not anticipated by Fung under 35 U.S.C. § 102(b).

**35 U.S.C. 103 Claim Rejections**

Claims 9, 28, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fung in view of European Patent Number EP 0,708,398 by Hawkins et al. (hereinafter "Hawkins").

Adding the teachings of Hawkins to Fung fails to cure Fung's deficiencies nor renders the present claims obvious. Hawkins discusses a clock control unit that includes a power management unit to control the frequency of and application of clock signals to an integrated processor and its various subsystems. The power management unit includes a system monitor to monitor for predetermined (preset) system events in order to make a determination on whether to change the processor and subsystem clock state/frequency. Similar to Fung, Hawkins does not describe, "directly transitioning the integrated circuit from the first state of performance to the third state of performance based upon detecting the user initiated event irrespective of any preset/predetermined system events" or "operating the integrated circuit at a third state of performance for a period of time predetermined by thermal failure characteristics pertaining to an integrated circuit"

Therefore, the independent claims, as amended, and their corresponding dependent claims are patentable over the cited art because neither Fung nor Hawkins, alone or in combination, discloses each and every limitation recited in the claims.

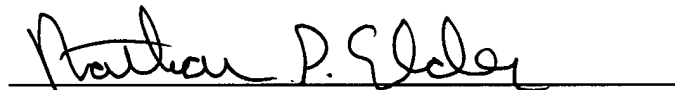
**Conclusion**

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. Applicant reserves all rights with respect to the application of the doctrine equivalents. If there are any additional charges, please charge them to our Deposit Account No. 02-2666. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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